

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

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Sandra Hart,
Plaintiff

DISTRICT CLERK
BY: DEBORAH SLACK

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ORDER FOR PRO HAC
VICE ADMISSION

Wyeth and Wyeth Pharmaceuticals,
Defendants.

Case No. 1:04-cv-00077

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of LaMar F. Jost in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 20th day of May, 20 10.

Tena Campbell

U.S. District Judge

FILED
U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

Sandra Hart,
Plaintiff

DISTRICT OF UTAH
BY: DEPUTY CLERK

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ORDER FOR PRO HAC
VICE ADMISSION

Wyeth and Wyeth Pharmaceuticals,
Defendants.

Case No. 1:04-cv-00077

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Kevin J. Kuhn in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 20th day of May, 20 10.

Jena Campbell

U.S. District Judge

Justin B. Palmer (#8937)
STOEL RIVES LLP
201 S Main Street, Suite 1100
Salt Lake City, UT 84111
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Facsimile: (801) 578-6999
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Kristofor T. Henning (*Pro Hac Vice*)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: (215) 963-5000
Facsimile: (215) 963-5001

Attorneys for Non-Parties Hewlett-Packard
Company and Compaq Computer Corporation

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

PHILLIP M. ADAMS & ASSOCIATES,
L.L.C., a Utah Limited Liability Company,

Plaintiff,

v.

SONY ELECTRONICS INC., et al.,

Defendants.

**ORDER GRANTING SECOND
STIPULATED MOTION TO EXTEND
DEADLINE IN COURT'S MARCH 17, 2010
ORDER GRANTING IN PART SONY
ELECTRONICS INC.'S MOTION TO
COMPEL DISCOVERY FROM HEWLETT-
PACKARD COMPANY AND COMPAQ
COMPUTER CORPORATION (Dkt. No.
1231)**

Civil No. 1:05-CV-64-TS

The Honorable Ted Stewart
Magistrate Judge David Nuffer

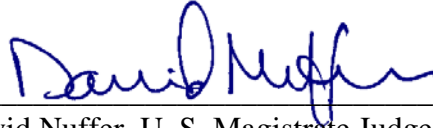
The Court, having reviewed the second stipulation and motion to extend deadline in the
March 17, 2010 Order Granting in Part Sony Electronics, Inc.'s Motion to Compel Discovery

from Hewlett-Packard Company and Compaq Computer Corporation (Dkt. No. 1231), and good cause appearing therefor, hereby GRANTS the motion (docket no. 1294) and ORDERS that (1) the deadline for Hewlett-Packard Co. and Compaq Compaq Corp. to produce documents responsive to Sony's discovery requests approved in the Court's Order, as modified by any agreements between the parties, is extended until and including June 2, 2010, with the understanding that HP and Compaq will have an obligation to promptly supplement their production with any responsive documents (as modified by any agreements between the parties) accessed, discovered, or obtained after the June 2, 2010 deadline; and (2) the deadline for HP and Compaq to designate and make available witnesses to be deposed on topics approved in the Court's Order, as modified by any agreements between the parties, is extended until and including July 8, 2010.

IT IS SO ORDERED.

DATED this 20th day of May 2010.

BY THE COURT:



David Nuffer, U. S. Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused the foregoing **ORDER GRANTING SECOND STIPULATED MOTION TO EXTEND DEADLINE IN COURT'S MARCH 17, 2010 ORDER GRANTING IN PART SONY ELECTRONICS INC.'S MOTION TO COMPEL DISCOVERY FROM HEWLETT-PACKARD COMPANY AND COMPAQ COMPUTER CORPORATION (Dkt. No. 1231)** to be electronically filed and served upon all parties to this action via the Court's ECF system. This document is available for review and downloading from the ECF system.

Date: May 19, 2010

/s/Justin B. Palmer

Edwin S. Wall, Utah Bar No. 7446
EDWIN S. WALL, P.C.
341 South Main Street, Ste. 406
Salt Lake City, Utah 84111
Phone Number: (801) 523-3445
Email: wallsec@xmission.com

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U.S. DISTRICT COURT

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CLERK
U.S. DISTRICT COURT


IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

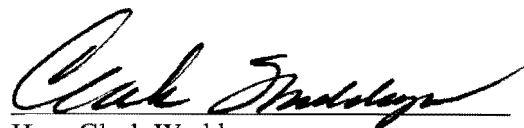
UNITED STATES OF AMERICA,)	
	)	Case No.: 1:06-CR-21
Plaintiff,)	
)	
v.)	
)	
BRAD THAYNE JEPSEN,	)	Hon. Clark Waddoups
)	
Defendant.)	
)	

ORDER GRANTING HEARING ON MOTION FOR SENTENCING CLARIFICATION

THIS MATTER having come before the Court on the defendant's *Motion for Sentencing Clarification and Request for Emergency Hearing*, the Court having reviewed the pleadings and being thus informed; now therefore,

IT IS ORDERED that a hearing on the *Motion for Sentencing Certification* shall be held before the Hon. Clark Waddoups on the 28th day of May, 2010 at 3:30 a.m./p.m.

DONE in chambers this 20th day of May, 2010



Hon. Clark Waddoups
Federal District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

GERARDO THOMAS GARZA,

Plaintiff,

vs.

TROY BURNETT et al.,

Defendants.

ORDER

Case No. 1:06CV134 DAK

This matter is before the court on Plaintiff's Motion for Extension of Time to file Notice of Appeal and his Motion for Leave to Appeal in forma pauperis. Pursuant to Rule 4(a)(5) of the Federal Rules of Appellate Procedure ("FRAP"), the district court may extend the time to file a notice of appeal if (i) a party so moves no later than 30 days after the time prescribed by Rule 4(a) expires; and (ii) that party shows excusable neglect or good cause. Fed. R. App. P. 4(a)(5). Rule 4(a) provides, in pertinent part, that "[w]hen the United States or its officer or agency is a party, the notice of appeal may be filed by any party within 60 days after the judgment or order appealed from is entered." Fed. R. App. P. 4(a)(1)(B). In other words, Plaintiff was required to file his motion for an extension of time no later than thirty (30) days after the sixty-day deadline for filing his Notice of Appeal. The Judgment in this case was entered on March 25, 2010, and Plaintiff has therefore timely filed this motion for an extension of time.

The court also finds that he has demonstrated excusable neglect. He discovered late in the process that his appointed counsel in the district court proceeding was not going to represent

him on appeal, and then he filed his Notice of Appeal in the Utah Court of Appeals. Therefore, Plaintiff has demonstrated excusable neglect, and is therefore entitled to an extension of time to file his Notice of Appeal. To the extent Plaintiff has requested appointment of counsel, the court denies that request.


Under Rule 4(a)(5)(C) of the FRAP, the court may not extend the time to file the Notice of Appeal more than thirty (30) days after the prescribed time or fourteen days (14) after this Order is entered, whichever is later. The prescribed time for filing the Notice is May 24, 2010, and thirty days after that date is June 23, 2010. Therefore, Plaintiff has until June 23, 2010 to file his Notice of Appeal.

III. CONCLUSION

For the foregoing reasons, and good cause appearing, IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time to File Notice of Appeal [Docket # 51] is GRANTED, and his Motion for Leave to Appeal In Forma Pauperis [Docket # 53] is GRANTED. Plaintiff must file his Notice of Appeal by no later than June 23, 2010.

DATED this 21st day of May, 2010.

BY THE COURT:



DALE A. KIMBALL
United States District Judge

FILED
U.S. DISTRICT COURT
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OFFICE OF
JUDGE TENA CAMPBELL

Michael P. Studebaker, #10027 of
STUDEBAKER LAW OFFICE, L.L.C. BY
Attorney for Plaintiffs
2550 Washington Blvd., Suite 331
Ogden, UT 84401
Telephone 801-627-9100
Fax 801-627-9101
email: mike@studebakerlaw.com

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

DAVID DEWAYNE SCHNEBELEN, & SERENA JOYCE SCHNEBELEN, Plaintiffs	:	ORDER ENLARGING TIME TO RESPOND TO DEFENDANT WARREN JONES' MOTION FOR SUMMARY JUDGMENT
vs.	:	
JOSHUA PORTER, ET AL., Defendants	:	Case No. 1:07-cv-125 Hon. Tena Campbell Hon. Paul Warner

This matter having come before the Court on the Plaintiffs' Stipulated Motion to Enlarge Time to Respond to Defendant Warren Jones' Motion for Summary Judgment, and the Court having reviewed the file and being sufficiently advised,

IT IS HEREBY ORDERED THAT:

1. Plaintiffs have until June 15, 2010 to respond to Defendant Jones' Motion for Summary Judgment.

DATED this the ^{21st} day of May, 2010.
Tena Campbell

Hon. *Tena Campbell*
US Chief Judge

Mark F. James (5295)
Gary A. Dodge (0897)
Hatch, James & Dodge, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666
Email: mjames@hjdllaw.com
gdodge@hjdllaw.com

Attorneys for Plaintiffs/Counter-Defendants

**IN THE UNITED STATES DISTRICT COURT,
IN AND FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

EZRA K. NILSON, *et al.*,
Plaintiffs,

v.

JPMorgan Chase Bank, N.A., individually
and as administrative agent, *et al.*,
Defendants.

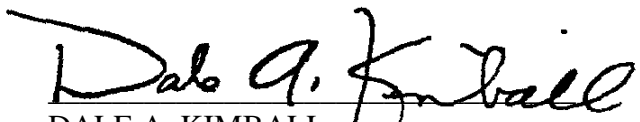
**ORDER FOR PRO HAC VICE
ADMISSION OF H. LEE GODFREY**

Case No. 1:09-cv-00121

Judge Dale A. Kimball

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of H. Lee Godfrey in the United States District Court, District of Utah in the subject case is GRANTED.

Dated this 21st day of May, 2010.


DALE A. KIMBALL,
United States District Judge

Mark F. James (5295)
Gary A. Dodge (0897)
Hatch, James & Dodge, P.C.
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Telephone: (801) 363-6363
Facsimile: (801) 363-6666
Email: mjames@hjdllaw.com
gdodge@hjdllaw.com

Attorneys for Plaintiffs/Counter-Defendants

**IN THE UNITED STATES DISTRICT COURT,
IN AND FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

EZRA K. NILSON, *et al.*,
Plaintiffs,

v.

JPMorgan Chase Bank, N.A., individually
and as administrative agent, *et al.*,
Defendants.

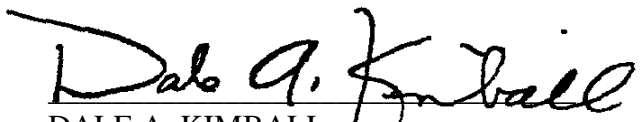
**ORDER FOR PRO HAC VICE
ADMISSION OF VICTORIA L. COOK**

Case No. 1:09-cv-00121

Judge Dale A. Kimball

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Victoria L. Cook in the United States District Court, District of Utah in the subject case is GRANTED.

Dated this 21st day of May, 2010.


DALE A. KIMBALL,
United States District Judge

Mark F. James (5295)
Gary A. Dodge (0897)
Hatch, James & Dodge, P.C.
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gdodge@hjdllaw.com

Attorneys for Plaintiffs/Counter-Defendants

**IN THE UNITED STATES DISTRICT COURT,
IN AND FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

EZRA K. NILSON, *et al.*,
Plaintiffs,

v.

JPMorgan Chase Bank, N.A., individually
and as administrative agent, *et al.*,
Defendants.

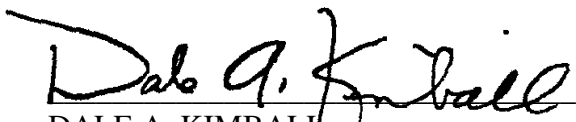
**ORDER FOR PRO HAC VICE
ADMISSION OF KENNETH S. MARKS**

Case No. 1:09-cv-00121

Judge Dale A. Kimball

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Kenneth S. Marks in the United States District Court, District of Utah in the subject case is GRANTED.

Dated this 21st day of May, 2010.


DALE A. KIMBALL,
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

BRUCE HARPER,

Plaintiff,

v.

KEVIN ROSE et al.,

Defendants.


ORDER OF RECUSAL

Case No. 1:09CV153 DAK

I recuse myself in this case and ask that the appropriate assignment card equalization be drawn by the clerk's office.

DATED this 21st day of May, 2010.

BY THE COURT:



DALE A. KIMBALL
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

ROBERT RENO,	)	ORDER
)	
Plaintiff,)	
	)	Case No. 1:10-cv-35-PMW
v.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
	)	Magistrate Judge Paul M. Warner
Defendant.)	

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCivR 83-1.1(d), the motion for the admission pro hac vice of Robert L. Van Saghi in the United States District Court, District of Utah in the subject case is GRANTED.

IT IS SO ORDERED.

DATED this 21st day of May, 2010.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

United States District Court
for the District of Utah

Request and Order to Remit Interest

Name of Offender: **Murphy Little**

Docket Number: **2:03-CR-00188-001-DKW**

Name of Judicial Officer:

Honorable Tena Campbell
Chief United States District Judge

Name of Sentencing Judicial Officer:

Honorable David K. Winder
Senior United States District Judge

Date of Original Sentence: **July 30, 2003**

Original Offense: **Assault Resulting in Serious Bodily Injury Within Indian Country**

Original Sentence: **71 Months BOP Custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **May 23, 2008**

PETITIONING THE COURT

☒ [X] To remit \$201.98 interest

SUMMARY

At sentencing, the Court imposed restitution in the amount \$3,026. With the help of family members, the defendant has been able to complete the payment of this obligation. Since the defendant has been unemployed during the past winter, we are recommending that interest which has accrued in this case be remitted.

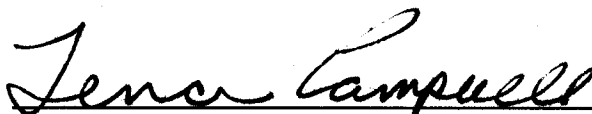
I declare under penalty of perjury that the foregoing is true and correct.



Steve Mockli
Supervising U.S. Probation Officer
Date: May 21, 2010

THE COURT ORDERS:

- ☒ [X] That all interest for this case be remitted
☐ [] No action
☐ [] Other



Honorable Tena Campbell
Chief United States District Judge

Date: **5-21-2010**

**Report and Order Terminating Supervised Release
Prior to Original Expiration Date****UNITED STATES DISTRICT COURT**

for the

DISTRICT OF UTAH

UNITED STATES OF AMERICA

v. Criminal No. 2:03-CR-00188-DKW

MURPHY LITTLE

On May 23, 2008, the above named defendant was placed on supervised release for a period of 36 months. The defendant has complied with the rules and regulations of supervised release and is no longer in need of supervision. It is accordingly recommended that the defendant be discharged from supervision.

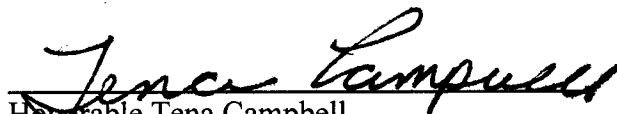
Respectfully submitted,



Steve Mockli

Supervising United States Probation Officer

Pursuant to the above report, it is ordered that the defendant be discharged from supervision and that the proceedings in the case be terminated.

Dated this 21 day of May, 2010.

Honorable Tena Campbell

Chief, United States District Judge

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COSTA CRISTO

Garnishee.

Honorable Tena Campbell

IT IS ORDERED that Garnishee pay to the United States of America 25% of Defendant's net wage beginning with the pay period in which the garnishment was served (may include payments already submitted to the United States) and continue to pay 25% of Defendant's net

wage each pay period until the debt to the United States is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to Busico or until further Order of this court. Payments shall be sent to U.S. Clerk of Court at 350 South Main Street, Room 150, Salt Lake City, Utah 84101.

DATED this 21 day of May, 2010.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Tena Campbell", written over a horizontal line.

Tena Campbell, Chief Judge
United States District Court

GFinalOrd

United States District Court
for the District of Utah

RECEIVED

MAY 18 2010

Request and Order for Modifying Conditions of Supervision

With Consent of the Offender

(Waiver of hearing attached)

OFFICE OF
JUDGE TENA CAMPBELL

Name of Offender: **Justin Dell Lott**

Docket Number: **2:05-CR-00645-001-PGC**

Name of Sentencing Judicial Officer: **Honorable Paul G. Cassell**
U.S. District Judge

Date of Original Sentence: **June 27, 2006**

Original Offense: **Use of Interstate Facilities to Transmit Information About a Minor**

Original Sentence: **30 Month Bureau of Prisons custody/48 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **November 4, 2008**

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

The defendant shall participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a co-payment plan, and will comply with the provisions outlined in:

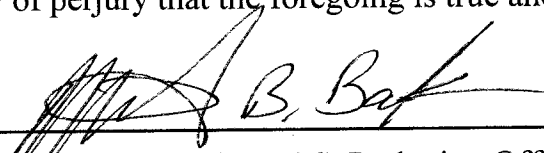
- ☒ 1. Appendix A, Limited Internet Access
(Computer and Internet use, as approved)
- ☐ 2. Appendix B, Restricted Internet Access
(Computer access only, as approved)
- ☐ 3. Appendix C, Restricted Computer Access
(No computer or Internet access except for approved employment)

Furthermore, all computers, Internet-accessible devices, media-storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

CAUSE

The defendant has successfully complied with the special conditions imposed by the Court for a year and a half. He has completed sex-offender specific counseling and has had no known violations. The defendant would like to have limited access to participate in the approved use of the Internet.

I declare under penalty of perjury that the foregoing is true and correct



Michael B. Baker, U.S. Probation Officer

Date: May 7, 2010

THE COURT ORDERS:

- ☒ The modification of conditions as noted above
☐ No action
☐ Other



Honorable Tena Campbell
Chief U.S. District Judge

Date: 5-21-2010

Attachment

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
PROBATION AND PRETRIAL SERVICES OFFICE**

**WAIVER OF RIGHT TO HEARING PRIOR TO
MODIFICATION OF CONDITIONS OF SUPERVISION**

I have been advised by U.S. Probation Officer Michael B. Baker that he/she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No.2:05-CR-00645-001-*. The modification would be:

The defendant shall participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a co-payment plan, and will comply with the provisions outlined in:

- ☒ 1. Appendix A, Limited Internet Access
(Computer and Internet use, as approved)
- ☐ 2. Appendix B, Restricted Internet Access
(Computer access only, as approved)
- ☐ 3. Appendix C, Restricted Computer Access
(No computer or Internet access except for approved employment)

Furthermore, all computers, Internet-accessible devices, media-storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

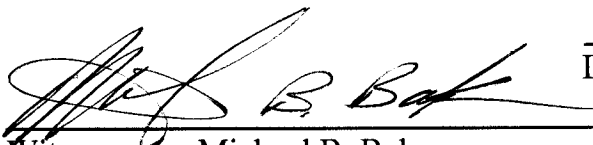
I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition(s) as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition(s) as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.

Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.

Justin Dell Lott

5/12/10

Date



Witness: Michael B. Baker
U.S. Probation Officer

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U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES R. WILFONG,

Defendant.

ORDER GRANTING GOVERNMENT'S
: MOTION

: Case No. 2:06-CR-365

: Use of Vehicle Off Forest Service Road Causing
Resource Damage

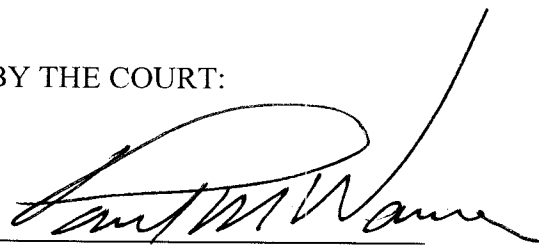
: (16 U.S.C. § 551 and C.F.R. 261.13(h))

Magistrate Judge Robert T. Braithwaite

Upon the Motion of the United States of America, and for good cause appearing, it is hereby Ordered, Adjudged, and Decreed that any and all fees and other financial obligations that may be pending against the Defendant in the above entitled matter be waived and that the said matter be closed forthwith.

DATED this 20th day of May, 2010.

BY THE COURT:


United States Magistrate Judge

DEIRDRE A. GORMAN (#3651)
Attorney for Defendant
205 26th Street, Suite 32
Bamberger Square Building
Ogden, Utah 84401
Telephone: (801) 394-9700
dagorman@qwestoffice.net

FILED
U.S. DISTRICT COURT

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U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

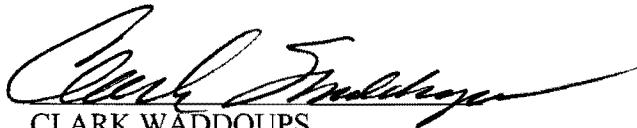
UNITED STATES OF AMERICA,	/	ORDER AUTHORIZING FILING
	/	OF DAUBERT MEMORANDUM
Plaintiff,	/	OUT OF TIME
vs.	/	
THOMAS JAMES ZAJAC,	/	
Defendant.	/	Case No. 2:06-CR-0811CW

BASED UPON the Motion to File Daubert Memorandum Out of Time, stipulation of the parties, and good cause appearing,

IT IS ORDERED that defense counsel is authorized to file the Daubert Memorandum as it relates to the fingerprint testimony out of time, on or before 5:00 p.m., Monday, May 10, 2010.

DATED this 26th day of May, 2010.

BY THE COURT:


CLARK WADDOUPS
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT
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DISTRICT OF UTAH
BY: DEPUTY CLERK

UNITED STATES OF AMERICA,) Case No. 2:06cv00656TC
)
Plaintiff,)
)
v.) ORDER FOR DISBURSEMENT OF
) FUNDS IN SATISFACTION OF
DAVID L. BEAGLEY;) CRIMINAL RESTITUTION ORDER
ROBERTA A. BEAGLEY;)
DESERET FEDERAL SAVINGS AND)
LOAN ASSOCIATION; UTAH)
COMMUNITY CREDIT UNION; and)
UTAH TAX COMMISSION,)
)
Defendants.)
_____)

Before the Court is the Stipulation For Disbursement of Funds in Satisfaction of Criminal Restitution Order. In consideration of the stipulation, and the record in this case:

IT IS HEREBY ORDERED that the Clerk is directed to disburse \$152,305.00 from the funds on deposit in the Court to the United States (payable to the United States Treasury, Attention: Virginia Cronan Lowe, Trial Attorney, Tax Division, P.O. Box 310, Ben Franklin Station, Washington D.C. 20044-0310). This distribution will satisfy the order of restitution in the amount of \$152,305.00 in Case No. 2:06-CR-00777 and will be applied to the outstanding federal tax liabilities at issue in this matter.

Dated: 5-21-2010

Tena Campbell
TENA CAMPBELL
United States District Judge

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

JOSEPH T. SORENSON,

Plaintiff,

v.

JOSE ARTURO RIFFO, ALAN C.
MONSON, CRYPTO CORPORATION,
GLOBAL DATABASE INFORMATION
SYSTEMS, and DIPPARDO FINANCIAL &
GUARANTY GROUP,

Defendants.

**ORDER CONSOLIDATING CASES
AND DENYING MOTION TO
WITHDRAW REFERENCE**

Case No. 2:06-cv-00749-DAK-DN

Judge Dale A. Kimball

This matter is before the court on several motions filed by Plaintiff Joseph T. Sorenson: (1) Motion to Consolidate [Docket No. 390]; (2) Motion to Withdraw Reference and for Relief from the Automatic Stay [Docket No. 389]; and (3) Motion for Expedited Briefing on the first two motions [Docket No. 392].

Plaintiff seeks to consolidate into this action two other related actions: (1) *Sorenson v. Monson*, Case No. 2:10cv464TC, and (2) *Sorenson v. Global Database Information Systems, Inc.*, Case No. 2:10cv466DAK. Judge Jenkins has already consolidated another related action, *Sorenson v. Crypto Corporation, Inc.*, 2:10cv465BSJ, into the present action. These related actions involve identical motions to withdraw the reference and for relief from the automatic stay arising out of the bankruptcy cases filed on the eve of trial by several of the defendants in the present action.

Based on the relationship of these actions, they are appropriately consolidated under Rule

42 of the Federal Rules of Civil Procedure. The court, therefore, consolidates *Sorenson v. Monson*, Case No. 2:10cv464TC, and *Sorenson v. Global Database Information Systems, Inc.*, Case No. 2:10cv466DAK into the present case. Accordingly, Plaintiffs' Motion to Consolidate is granted.

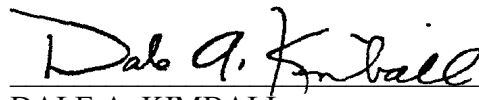
With respect to Plaintiff's motions to withdraw reference and for relief from the automatic stay, the court concludes that the bankruptcy court is in the best position to determine whether relief from the automatic stay should be granted. Accordingly, the court denies Plaintiff's motions to withdraw reference and for relief from the automatic stay without prejudice.

Given the court's ruling on the first two motions, Plaintiff's Motion for Expedited Briefing on the first two motions is moot.

Accordingly, Plaintiff's (1) Motion to Consolidate [Docket No. 390] is GRANTED; (2) Motion to Withdraw Reference and for Relief from the Automatic Stay [Docket No. 389] is DENIED WITHOUT PREJUDICE; and (3) Motion for Expedited Briefing on the first two motions [Docket No. 392] is MOOT.

DATED this 21st day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CLEARONE COMMUNICATIONS, INC.,

Plaintiff,

vs.

ANDREW CHIANG; et al.,

Defendants,

DONALD BOWERS; DIAL HD, INC. (a
Georgia Corporation); WIDEBAND
SOLUTIONS, INC. (a Georgia Corporation);
and DAVID SULLIVAN,

Interested Third Parties.

ORDER

Case No. 2:07-CV-37-TC-DN

Interested Third Parties Donald Bowers and Dial HD, Inc. have filed an objection to Magistrate Judge Nuffer's denial of their Emergency Motion to reopen discovery. (See Docket No. 2186.) The court has reviewed the pleadings as well as the Magistrate's decision (May 10, 2010 Docket Text Order (Docket No. 2180)). The court finds that Magistrate Judge Nuffer's is correct in all respects. Accordingly, the court AFFIRMS the Magistrate Judge's Order of May 10, 2010, and DENIES the OBJECTION.

SO ORDERED this 21st day of May, 2010.

BY THE COURT:



TENA CAMPBELL
Chief Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CLEARONE COMMUNICATIONS, INC.,

Plaintiff,

vs.

ANDREW CHIANG; et al.,

Defendants,

DONALD BOWERS; DIAL HD, INC. (a
Georgia Corporation); WIDEBAND
SOLUTIONS, INC. (a Georgia Corporation);
and DAVID SULLIVAN,

Interested Third Parties.

ORDER

Case No. 2:07-CV-37-TC-DN

Interested Third Parties Donald Bowers and Dial HD, Inc. have filed an Emergency Motion for Continuance of the May 27, 2010 contempt hearing. The court has reviewed the emergency motion and finds that a continuance is not necessary. Accordingly, the Emergency Motion for Continuance (Docket No. 2187) is DENIED. The hearing will occur as scheduled.

SO ORDERED this 21st day of May, 2010.

BY THE COURT:



TENA CAMPBELL
Chief Judge

IN THE UNITED STATES DISTRICT COURT DISTRICT OF UTAH, CENTRAL DIVISION	
<p>CLEARONE COMMUNICATIONS, INC., a Utah corporation,</p> <p>Plaintiff,</p> <p>v.</p> <p>ANDREW CHIANG, an individual, JUN YANG, an individual, LONNY BOWERS, an individual, WIDEBAND SOLUTIONS, INC., a Massachusetts corporation, VERSATILE DSP, INC., a Massachusetts corporation, and BIAMP SYSTEMS CORPORATION, an Oregon corporation,</p> <p>Defendants.</p>	<p>ORDER GRANTING IN PART CLEAR ONE'S CROSS-MOTION TO COMPEL DONALD BOWERS'S COMPLIANCE WITH THE COURT'S OCTOBER 29, 2009 DISCOVERY ORDER</p> <p>Case No. 2:07-cv-037 TC-DN</p> <p>District Judge Tena Campbell</p> <p>Magistrate Judge David Nuffer</p>

Donald Bowers has clearly failed to make any good faith attempt to obtain and produce records as previously ordered by the Order Granting Motion to Conduct Discovery and for Disclosures (the "Discovery Order").¹ Mr. Bowers has taken the position that DialHD was a business which left no trace and he apparently wants the court to believe that anything that is electronically facilitated is invisible. Mr. Bowers does not state that he has made any significant effort to obtain copies of documents that he failed to maintain. Typical statements include:

- "These products are available on websites. No communications were necessary; you simply went on the web and bought them."²
- "THE [sic] DialHD website was the primary identifier of DialHD products."³

¹ Docket no. 1971, filed October 29, 2009.

² Interested Party Donald Bowers Supplemental Response to Discovery at 3, attached as Exhibit A to Response to Plaintiff's Cross Motion to Compel Compliance with the Court's 10/29/2009, Discovery Order, docket no. 2182, filed May 14, 2010.

³ *Id.* at 9.

- “All communications were conducted via Skype.”⁴
- “No shipping documents were retained. Packing slips were discarded upon receipt of any product. Product is prepaid and therefore no invoices are available.”⁵
- “DialHD was a start-up company in its infancy. The main office in Georgia was closed. Subject parties had only began to operate and had not issued any stock certificates or appointed a board of directors.”⁶
- “No lease agreements, everything is month to month.”⁷
- “I have never received any purchase orders.”⁸
- “Invoicing was done with a template. Each succeeding invoice would over-write previous invoice. That invoice was then sent to the customer.”⁹
- “When a payment was received, a deposit was made. The deposited check went to bank. I do not have any of those checks or any copies of such checks.”¹⁰

ORDER

IT IS HEREBY ORDERED that Clear One’s Cross-Motion¹¹ to Compel Donald Bowers’s Compliance with the Court’s October 29, 2009 Discovery Order is GRANTED IN PART.

IT IS FURTHER ORDERED:

1. **On or before Tuesday May 25, 2010,**
 - a. Donald Bowers shall file a signed declaration stating whether he will be appearing personally at the hearing May 27, 2010, to, among other things, be subject to cross-examination on his disclosures.
2. **On or before Wednesday May 26, 2010, Donald Bowers:**
 - a. shall produce a printed and native format copy of the invoice template, and last invoice, identified in his affidavit dated May 14, 2010;
 - b. shall produce all records ordered to be produced in the October 29, 2009 Discovery Order, including:

⁴ *Id.* at 11.

⁵ *Id.* at 12.

⁶ *Id.*

⁷ *Id.* at 13.

⁸ Affidavit of Donald Bowers ¶4, attached as Exhibit C to Response to Plaintiff’s Cross Motion to Compel Compliance with the Court’s 10/29/2009 , Discovery Order, docket no. 2182, filed May 14, 2010.

⁹ *Id.* ¶5.

¹⁰ *Id.* ¶6.

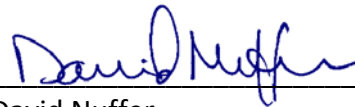
¹¹ Docket no. 2177, filed May 10, 2010.

- i. Sales records from customers or distributors, including the purchase orders from the customers, the invoices to the customers, and any other documents that reflect the products sold, and who to whom they were sold.
- ii. Deposit and other records from his bank(s), including the checks from the customers that were deposited into the bank.
- iii. E-mail and other communications, in particular any e-mail sent to or from WideBand Georgia and/or Dial HD, including any e-mail communications with Kelly Anton, Robert Gotch, Mark Zenick, and/or Lonny Bowers.
- c. A declaration stating the efforts which he has made to retrieve records ordered to be produced by this order and the October 29, 2009 Discovery Order, including copies of all requests and responses from persons or entities who would have possession of the records.

Failure to comply with this order may be found to be a contempt of court, and/or result in significant penalties for any who fail to comply.

Dated this 21st day of May, 2010.

BY THE COURT



David Nuffer

U. S. Magistrate Judge

UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v. FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

Wanda Barzee

MAY 21 2010

D. MARK JONES, CLERK

BY DEPUTY CLERK

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:08-CR-00125-002 DAK

USM Number: 16650-081

Scott Williams

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 and 2 of the Indictment.

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1201(a)(1)	Kidnapping	3/12/2003	1
18 U.S.C. § 2423(a)	Unlawful Transportation of a Minor	3/12/2003	2

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

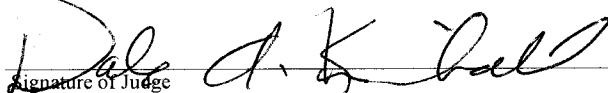
☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/21/2010

Date of Imposition of Judgment


Signature of Judge

Dale A. Kimball

Name of Judge

U.S. District Judge

Title of Judge

May 21, 2010
Date

DEFENDANT: Wanda Barzee
CASE NUMBER: DUTX2:08-CR-00125-002 DAK

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

180 months, to begin as of March 12, 2003.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court strongly recommends that the defendant be placed in FCI Carswell, Texas.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Wanda Barzee

CASE NUMBER: DUTX2:08-CR-00125-002 DAK

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
60 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☒ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Wanda Barzee

CASE NUMBER: DUTX2:08-CR-00125-002 DAK

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate in a mental health treatment program under a copayment plan as directed by the United States Probation Office, take any mental health medications as prescribed, and not possess or consume alcohol, nor frequent businesses where alcohol is the primary item of order, during the course of treatment or medication.

DEFENDANT: Wanda Barzee
CASE NUMBER: DUTX2:08-CR-00125-002 DAK

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

**Report and Order Terminating Supervised Release
Prior to Original Expiration Date**

UNITED STATES DISTRICT COURT

for the

DISTRICT OF UTAH

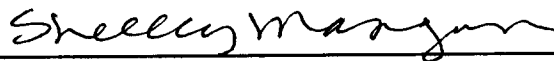
UNITED STATES OF AMERICA

v. Criminal No. 2:08-CR-00534-001-DB

DIOVANNIE ROSTKOWSKI

On October 18, 2007, the above named was placed on Supervised Release for a period of three years. The defendant has complied with the rules and regulations of Supervised Release and is no longer in need of supervision. It is accordingly recommended that the defendant be discharged from supervision.

Respectfully submitted,



Shelley Mangum
United States Probation Officer

Pursuant to the above report, it is ordered that the defendant be discharged from supervision and that the proceedings in the case be terminated.

Dated this 20 day of May, 2010.



Honorable Dee Benson
United States District Judge

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

MAY 21 P 4:14

DISTRICT OF UTAH, CENTRAL DIVISION

STAYED

DEPT. OF JUSTICE

UNITED STATES OF AMERICA,	:	Case No 2:08 cr 758 TC
	:	
Plaintiff,	:	
	:	ORDER EXCLUDING TIME UNDER
vs.	:	THE SPEEDY TRIAL ACT
	:	
ERIC KAMAHELE, et al,	:	
	:	Honorable Samuel Alba
Defendants.	:	

At the Initial Appearance held on May 12, 2010, all named defendants except Mr. Loumoli, Mr. Tuakalau and Mr. Walsh were present and represented by counsel.

Those three remaining defendants are incarcerated out of state, and the government informed the Court that they are scheduled for initial appearances on June 18, 2010. Due to the complexity of the case and the large amount of discovery which requires substantial redaction, the United States requested that the discovery be due on June 18, 2010.

Based on the representations of the United States and for good cause appearing, IT IS HEREBY ORDERED that the trial scheduled for June 21, 2010, is continued and no trial date is set at this time. Discovery is to be provided by June 18, 2010. A scheduling conference is set for August 23, 2010, at which point additional dates will be set by the Court.

IT IS FURTHER ORDERED THAT due to the fact that the speedy trial calculation would restart on June 18, 2010, and the defendants need time to review the discovery, the period of time between May 12, 2010, and the scheduling conference of August 23, 2010, is excluded for purposes of Speedy Trial calculation in accordance with the provisions of 18 U.S.C. §§ 3161 (h)(1)(F), (h)(7)(A) and (h)(7)(ii).

SO ORDERED.

DATED this 21st day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'S. Alba', written over a horizontal line.

SAMUEL ALBA
United States Magistrate Judge

RONALD ADY, PLLC (USB 3694)
8 E. Broadway, Ste. 725
Salt Lake City, UT 84111
(801) 530-3122
(810) 746-3501 fax

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
CENTRAL DIVISION**

AMY ANASTASION,

Plaintiff,

v.

CREDIT SERVICE OF LOGAN, INC. dba
ALLIED COLLECTION SERVICE,
BRITTANY APARTMENTS, L.L.C., DOES
1 through 10.

Defendants.

**ORDER GRANTING PLAINTIFF'S
MOTION TO EXTEND THE TIME FOR
HER MEMORANDA TO BE FILED IN
RELATING TO THE OUTSTANDING
MOTIONS**

Case No. 2:08cv180

Judge Ted Stewart

Magistrate Judge Paul Warner


UPON CONSIDERATION of the Plaintiff's motion to extend the time for the filing of her memoranda in relation to the following outstanding motions:

- i. the Defendant Credit Service of Logan, Inc.'s Motion for Partial Summary Judgment;
- ii. the Defendant Credit Service of Logan, Inc.'s Motion to Strike the Expert Report of Dr. Stan Smith;
- iii. the Plaintiff's Motion to Extend the Time for Fact Discovery,

It is hereby **ORDERED** that the Plaintiff's motion to extend to and through June 3, 2010,

the time to file her memorandum in response or reply memorandum, as the case may be, to each of the above-referenced motions is **GRANTED**.

So ordered this 21st day of May, 2010.

A handwritten signature in cursive script, reading "Paul M. Warner". The signature is written in black ink and is positioned above a horizontal line.

The Honorable Paul Warner
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

**UNISHIPPERS GLOBAL
LOGISTICS, LLC, a Delaware
limited liability company,**

Plaintiff and Counterclaim Defendant,

vs.

**DHL EXPRESS (USA), INC., an
Ohio corporation**

Defendant and Counterclaim Plaintiff.

**FOURTH AMENDED
SCHEDULING ORDER**

Case No. 2:08cv894

District Judge Dale A. Kimball

Magistrate Judge Paul M. Warner

Good cause appearing, the following Fourth Amended Scheduling Order is entered in this case and may not be further modified without the approval of the Court and on a showing of good cause.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|-----------|---|----------------------|
| 1. | PRELIMINARY MATTERS | <u>DATE</u> |
| | Nature of claim(s) and any affirmative defenses: | |
| | a. Was Rule 26(f)(1) Conference held? | <u>complete</u> |
| | b. Has Attorney Planning Meeting Form been submitted? | <u>complete</u> |
| | c. Was 26(a)(1) initial disclosure completed? | <u>complete</u> |
|
 | | |
| 2. | DISCOVERY LIMITATIONS | <u>NUMBER</u> |
| | a. Maximum Number of Depositions by Plaintiff(s) | <u>10</u> |
| | b. Maximum Number of Depositions by Defendant(s) | <u>10</u> |
| | c. Maximum Number of Hours for Each Deposition
(unless extended by agreement of parties) | <u>7</u> |

- | | | |
|----|---|------------|
| d. | Maximum Interrogatories by any Party to any Party | <u>75</u> |
| e. | Maximum requests for admissions by any Party to any Party | <u>50</u> |
| f. | Maximum requests for production by any Party to any Party | <u>100</u> |

DATE

3. AMENDMENT OF PLEADINGS/ADDING PARTIES

- | | | |
|----|--|-------------|
| a. | Last Day to File Motion to Amend Pleadings | <u>past</u> |
| b. | Last Day to File Motion to Add Parties | <u>past</u> |

4. RULE 26(a)(2) REPORTS FROM EXPERTS

- | | | |
|----|-----------------|------------------|
| a. | Plaintiff | <u>7/14/2010</u> |
| b. | Defendant | <u>7/14/2010</u> |
| c. | Counter reports | <u>8/13/2010</u> |

5. OTHER DEADLINES

- | | | |
|----|--|------------------|
| a. | Discovery to be completed by: | |
| | Fact discovery | <u>7/7/2010</u> |
| | Expert discovery | <u>9/7/2010</u> |
| b. | Deadline for filing dispositive or potentially dispositive motions | <u>9/25/2010</u> |

6. SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION

- | | | |
|----|--|--------------------|
| a. | Evaluate case for Settlement/ADR no later than | <u>10/8/10</u> |
| b. | Settlement probability: | <u>FAIR</u> |

7. TRIAL AND PREPARATION FOR TRIAL:

- | | | |
|----|---|----------------|
| a. | Rule 26(a)(3) Pretrial Disclosures ¹ | |
| | Plaintiff | 1/3/11 |
| | Defendant | 1/17/11 |

			<u>DATE</u>
b.	Special Attorney Conference ² on or before		1/31/11
c.	Settlement Conference ³ on or before		1/31/11
d.	Final Pretrial Conference	2:30 p.m.	2/14/11
e.	Trial	<u>Length</u>	<u>Time</u>
	i. Jury Trial	<u>10 days</u>	<u>8:30 a.m.</u>
			<u>2/28/11</u>

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 21st day of May, 2010.

BY THE COURT:



Paul M. Warner
U.S. Magistrate Judge

1. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
2. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.
3. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

ROBERT B. SYKES (#3180)

bob@sykesinjurylaw.com

ALYSON E. CARTER (#9886)

alyson@sykesinjurylaw.com

SCOTT R. EDGAR (#11562)

scott@sykesinjurylaw.com

ROBERT B. SYKES & ASSOCIATES, P.C.

311 South State Street, Suite 240

Salt Lake City, Utah 84111

Telephone (801) 533-0222

Facsimile (801) 533-8081

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

SHERIDA FELDERs, et al.,)	
	)	ORDER EXTENDING
Plaintiffs,	)	EXPERT DISCOVERY
)	
vs.	)	Civil No. 2:08-cv-993
)	
BRIAN BAIRETT, et al.,	)	District Judge Clark Waddoups
	)	Magistrate Judge Paul M. Warner
Defendants.)	
)	

Pursuant to Rule 29(b) of the Federal Rules of Civil Procedure, and based on the Stipulated Motion by the Parties,

IT IS HEREBY ORDERED:

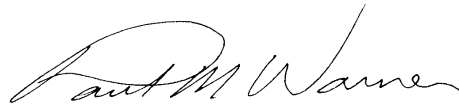
1. Expert discovery cut-off is moved from May 30, 2010, to August 13, 2010.

2. All other deadlines listed in the August 24, 2009, Scheduling Order (Doc. 22) remain unchanged.

IT IS SO ORDERED.

DATED this 21st day of May, 2010.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner", written in black ink.

PAUL M. WARNER
U.S. Magistrate Judge

United States District Court

DISTRICT OF UTAH

UNITED STATES OF AMERICA

V.

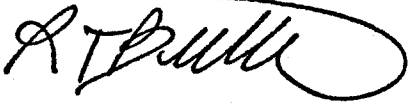
ORDER OF DISCHARGE
AND DISMISSAL

JOSEPH HORGER

CASE NUMBER: 2:09-CR-00061-001

WHEREAS, the above-named defendant having previously been placed on probation under 18 U.S.C. § 3607 for a period not exceeding one year, and the Court having determined that said defendant has completed the period of probation without violation,

IT IS ORDERED that pursuant to 18 U.S.C. § 3607(a), the Court, without entry of judgment, hereby discharges the defendant from probation and dismisses those proceedings for which probation had been ordered.



Honorable Robert T. Braithwaite
United States Magistrate Judge

5/21/2010

Date

FILED
U.S. DISTRICT COURT

2009 MAY 21 A 3:45

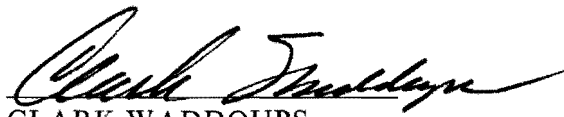
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:09-CR-149
	:	
Plaintiff,	:	
	:	ORDER
vs.	:	
	:	
JACK LEE CRITES,	:	
	:	
Defendant.	:	

Based upon the motion of the United States indicating that the sentence imposed on May 5, 2010 resulted from clear error, the Court hereby ORDERS, pursuant to Rule 35(a), that Defendant be re-sentenced. Re-sentencing is hereby scheduled on

May 28, 2010, at 3:00 pm SO ORDERED.

DATED this 20th day of May, 2010.


CLARK WADDOUPS
United States District Judge

UNITED STATES DISTRICT COURT

CENTRAL

District of

UTAH

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

V.

Michael Anthony Jackson

Case Number:

DUTX 2:09CR00479-001 TC

USM Number:

16345-081

Jamie Zenger

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 2119	Carjacking		1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/17/2009

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Chief, United States District Court Judge

Name and Title of Judge

5-21-2010

Date

DEFENDANT: Michael Anthony Jackson
CASE NUMBER: 2:09CR00479-001 T C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

48 Months, with credit for time served

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court strongly recommends the defendant participate in RDAP, while incarcerated.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Michael Anthony Jackson
CASE NUMBER: 2:09CR0479-001 TC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Michael Anthony Jackson
CASE NUMBER: 2:09CR00479-001 TC

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant will submit to drug/alcohol testing as directed by the USPO, and pay a one-time \$115 fee to partially defray the costs of collection and testing.
2. The defendant shall participate in a substance-abuse evaluation and/or treatment under a co-payment plan as directed by the USPO.
3. The defendant shall participate in a mental health treatment program under a copayment plan as directed by the USPO, take any mental health medications as prescribed.
4. The defendant shall not have any contact with any member or associate of a criminal street gang/security threat group either in person, by mail, by phone, by e-mail, by third person, or by any other method.
5. The defendant shall not possess material which gives evidence of criminal street gang/security threat group involvement or activity.
6. The defendant shall not receive any new tattoos associated with a criminal street gang/or security threat group.
7. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
8. The defendant shall maintain full-time, verifiable employment or be actively seeking employment, participate in academic or vocational development throughout the term of supervision as deemed appropriate by the USPO.

DEFENDANT: Michael Anthony Jackson
CASE NUMBER: 2:09CR00479-001 TC

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$ 650.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Todd Taylor (See attached)	650.00	650.00	

TOTALS	\$ <u>650</u>	\$ <u>650</u>
--------	---------------	---------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Michael Anthony Jackson
CASE NUMBER: 2:09CR00479-001 TC

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Restitution is ordered jointly and severally with co-defendant Derik Lee Provstgaard, 2:09CR00479-002 TC. Restitution payment to begin immediately and Payment of criminal monetary penalties shall be made in accordance with a schedule established by the Bureau of Prisons Inmate Financial Responsibility Program while incarcerated. Upon release from imprisonment, payments will be made at a minimum rate of \$50.00 per month, as directed by the U. S. Probation Office.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

\$650.00 Restitution is ordered Joint and Several with co-defendant Derek Lee Provstgaard, 2:09CR00479-002 TC

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON O'MALLEY,

Defendant.

CASE: 2:09CR00901 TS

PRELIMINARY ORDER OF FORFEITURE

JUDGE: TED STEWART

IT IS HEREBY ORDERED that:

1. As a result of a guilty plea to Counts I and II of the Indictment for which the government sought forfeiture pursuant to 21 U.S.C. § 853, the defendant Jason O'Malley shall forfeit to the United States all property that was proceeds of, involved in, used, or intended to be used in a violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 924(c)(1), including but not limited to:

- Interarms .38 Caliber Revolver, Serial Number: W301416
- Associated Ammunition

2. The Court has determined that based on a guilty plea of Possession of Cocaine with Intent to Distribute and Carrying a Firearm During and in Relation to a Drug Trafficking Crime, that the above-named property is subject to forfeiture, that the

defendant had an interest in the property, and that the government has established the requisite nexus between such property and such offense.

3. Upon entry of this Order the Attorney General, or its designee, is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject property.

6. Any person, other than the above named defendant, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

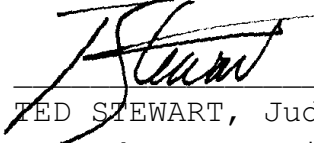
10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

//This space intentionally left blank//

11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated this 21st day of May, 2010.

BY THE COURT:



TED STEWART, Judge
United States District Court

FILED
U.S. DISTRICT COURT
2009 MAY 20 P 1:03

DISTRICT CLERK
BY: 
DEPUTY CLERK

James C. Lewis (USB #1943)
LEWIS, HANSEN, WALDO & PLESHE, LLC
8 East Broadway #410
Salt Lake City, UT 84111
Telephone: (801) 746-6300
Facsimile: (801) 746-6301
Email: jlewis@lhwplaw.com

Attorneys for Defendants Quest Youth Services, LLC, Jason Kaufusi and Henry Kaufusi

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

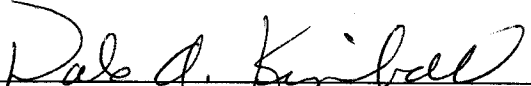
DONNA WHITNEY, individually, as parent,	:	
personal representative, and heir of DILLON	:	
WHITNEY, deceased, and executor of the estate:	:	ORDER GRANTING MOTION TO
of DILLON WHITNEY,	:	WITHDRAW AS COUNSEL FOR
	:	DEFENDANTS QUEST YOUTH
Plaintiffs,	:	SERVICES, LLC, JASON KAUFUSI,
vs.	:	AND HENRY KAUFUSI
	:	
DIVISION OF JUVENILE JUSTICE	:	
SERVICES, a subdivision of the State of Utah;	:	
UTAH DEPARTMENT OF HUMAN	:	
SERVICES, a subdivision of the State of Utah;	:	
STATE OF UTAH; QUEST YOUTH	:	Case No. 2:09-CV-00030
SERVICES, LLC, a Utah limited liability	:	Judge Dale A. Kimball
company; KYLE LANCASTER; DAN	:	Magistrate Judge Paul M. Warner
MALDONADO; JASON KAUFUSI; HENRY	:	
KAUFUSI; HUY NGUYEN; BARRY	:	
HOWARD and DOES 1-10,	:	
	:	
Defendants.	:	

This matter having come before the Court pursuant to Lewis, Hansen, Waldo & Pleshe's Motion to Withdraw as Counsel for Defendants Quest Youth Services, LLC ("Quest"), Jason Kaufusi ("J. Kaufusi") and Henry Kaufusi ("H. Kaufusi"), the Court hereby GRANTS the

Motion and ORDERS that James C. Lewis, and the law firm Lewis, Hansen, Waldo & Pleshe be removed as counsel of record for Quest, J. Kaufusi and H. Kaufusi in the above-captioned matter.

DATED this 18th day of May, 2010.

BY THE COURT:


Honorable Dale A. Kimball
United States District Judge

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

GAYLE M. BURNS AND
I.M.B., a minor child

: 2:09-CV-00926-DAK

Plaintiffs,

:

v.

:

ORDER CERTIFYING QUESTION
TO THE UTAH SUPREME COURT

MICHAEL J. ASTRUE,
Commissioner Of Social Security,

:

:

Honorable Dale A Kimball

Defendant.

Before the Court is Defendant's Unopposed Motion to Certify Question to the Utah Supreme Court (Docket # 17). Having reviewed the motion and supporting memorandum, the United States District Court for the District of Utah, pursuant to Rule 41 of the Utah Rules of Appellate Procedure, hereby submits to the Utah Supreme Court the following certified question of Utah law, which is determinative of Plaintiffs' claims in the above-captioned matter now pending before the court, but does not appear to be clearly answered under Utah statutory law or controlling precedent:

Is a signed agreement to donate preserved sperm to the donor's wife in the event of his death sufficient to constitute "consent[] in a record" to being the "parent" of a child conceived by artificial means after the donor's death under Utah intestacy law, Utah Code Ann. § 78B-15-707?

Background

Michael Burns married Plaintiff Gayle Burns on August 24, 1997. In April 2000, Mr. Burns learned he had cancer. Mr. Burns thereafter deposited samples of his sperm for

cryopreservation in anticipation of chemotherapy treatment and signed an agreement providing that the sperm would be legally transferred to his wife upon his death. Specifically, he signed a “Semen Storage Agreement” providing,

In the event of the death of the donor the donor would like his vials of semen (initial one of the items below):

- a. Destroyed [Blank]
- b. Maintained in storage for future donation to Gayle Burns (fill in name and relationship) who will assume all of the obligations and terms described in this contract [Mr. Burns' initials].

On March 24, 2001, while domiciled in Utah, Mr. Burns died of cancer-related complications. Two years later, on May 3, 2003, a physician inseminated Mrs. Burns with Mr. Burns' cryopreserved sperm. Mrs. Burns gave birth to I.B. on December 23, 2003. I.B.'s birth certificate, which did not list the name of his father, was later amended to reflect Mr. Burns as I.B.'s father.

In September 2005, Plaintiff Gayle Burns applied for two types of Social Security survivor benefits – mother's insurance benefits for herself and child's insurance benefits on behalf of her minor child, I.B. – on the earnings record of Michael Burns, her deceased husband. The Social Security Administration denied the claims initially and upon reconsideration, finding that Plaintiffs had not shown that I.B. was Mr. Burns' “child” as defined in the Social Security Act. Thereafter, Plaintiffs requested a hearing before an administrative law judge (ALJ). After holding a hearing on October 3, 2007, the ALJ issued decisions on August 22, 2008, reversing the prior agency determinations and finding that Plaintiffs were entitled to benefits on Mr. Burns' record. In the meantime, in April 2008, a judge for the Utah Third Judicial District Court granted

Plaintiffs' uncontested petition for adjudication of paternity.¹

On August 19, 2009, the Social Security Administration's Appeals Council notified Plaintiffs that it found "good cause" to reopen the case due to errors in the ALJ's decisions. The Appeals Council concluded that Plaintiffs were not entitled to survivor benefits on Mr. Burns' earnings record because they had not shown that I.B. was the "child" of Mr. Burns as defined in the Social Security Act. Plaintiffs then appealed to this Court.

Discussion

Under the Social Security Act, a child is eligible for child's benefits under section 202(d)(1) of the Social Security Act if he is the "child" of an insured wage earner as defined in section 216(e) and was dependent upon the insured at the time of his death under section 202(d)(3). 42 U.S.C. §§ 402(d)(1), 416(e). A mother is entitled to mother's insurance benefits on the earnings record of an insured wage earner who has died if the mother has "in [her] care the insured's child who is entitled to child's benefits." 20 C.F.R. § 404.339(e); 42 U.S.C. § 402(g)(1).

Two sections of the Social Security Act are relevant for determining whether an individual qualifies as the insured's "child" for purposes of entitlement to benefits. First, section 216(e)(1) defines a "child" as the "child or legally adopted child of an individual." 42 U.S.C. § 416(e)(1). Section 216(h) provides the analytical framework the Social Security Administration follows in determining whether a child is the insured wage earner's "child" for the purposes of section 216(e). 42 U.S.C. § 416(h). Specifically, section 216(h)(2)(A) provides

¹ For the reasons set forth in Defendant's Memorandum in Support of Unopposed Motion To Certify Question to Utah Supreme Court, the lower court's decision is not binding here nor did it address the requirements of Utah Code Ann. § 78B-15-707.

that a child is entitled to child's benefits if he could inherit the insured wage earner's property under the intestacy laws of the state in which the insured was domiciled when he died. 42 U.S.C. § 416(h)(2)(A); 20 C.F.R. § 404.355(a)(1). In determining whether a child can inherit an insured wage earner's property, the Social Security Administration applies the version of state intestacy law that is in effect when the claim is being adjudicated. 20 C.F.R. § 404.355(b)(4). Therefore, current Utah intestacy law applies in this case.

Utah's Uniform Probate Code states that a "parent and child relationship may be established as provided in Title 78B, Chapter 15, of the Utah Uniform Parentage Act." Utah Code Ann. § 75-2-114(1). Because Mr. Burns died before his sperm was used for assisted reproduction, the Utah Uniform Parentage Act provides that Mr. Burns must have "consented in a record that if assisted reproduction were to occur after death, [he] would be a parent of the child." Utah Code Ann. § 78B-15-707. The term "record," as used in this statute, is defined as "information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form." Utah Code Ann. § 78B-15-102. "'Parent' means an individual who has established a parent-child relationship under Section 78B-15-201." Utah Code Ann. § 78B-15-102(17). Section 78B-15-201(e) explains that a parent-child relationship is established between a man and a child by the "man having consented to assisted reproduction by a woman under Part 7, Assisted Reproduction [i.e., § 78B-15-707], which resulted in the birth of the child."

Plaintiffs contend that a signed "Semen Storage Agreement" constitutes "consent[] in a record" by Mr. Burns to be the "parent" of I.B. under Utah Code Ann. § 78B-15-707. The Social Security Administration strongly disagrees with Plaintiffs' position, and contends that the Semen

Storage Agreement, while expressing Mr. Burns' intent to donate the cryopreserved sperm and its related contractual obligations to his wife in the event of his death, is not sufficient to show that Mr. Burns consented to being the "parent" of I.B. as required by Utah Code Ann. § 78B-15-707.

Utah courts have not construed or otherwise discussed Utah Code Ann. § 78B-15-707. The interpretation of this statute is outcome determinative as to whether Plaintiffs in this case, a posthumously conceived child and his mother, are entitled to receive Social Security survivor benefits on the decedent's record.


Additionally, the Court believes that the statutory interpretation of Utah Code Ann. § 78B-15-707 is an important issue of public concern that will likely recur often as artificial reproduction techniques become more innovative and widespread.

Conclusion

This court concludes that the question outlined herein is unsettled under existing Utah law. Therefore, IT IS HEREBY ORDERED that Defendant's Motion to Certify Question to Utah Supreme Court [Docket # 17] is GRANTED. The Clerk of Court is directed to submit to the Utah Supreme Court a certified copy of this Certification, together with the briefs and administrative record filed in this court and any portion of the record before this court that may be required by the Utah Supreme Court.

DATED this 21st day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge

FILED
U.S. DISTRICT COURT

200 MAY 21 P 4:14

RECEIVED

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN CONTRERAS-PARADA,
Defendant.

ORDER TO CONTINUE
JURY TRIAL

Case No. 2:10 CR 009 TC

Based on the motion to continue trial filed by defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the trial previously scheduled for June 7, 2010, is hereby continued to the 23rd day of August, 2010, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date is excluded from speedy trial computation.

Dated this 21st day of May, 2010.

BY THE COURT:



HONORABLE ~~TENA CAMPBELL~~ SAMUEL ALBA
United States District Court Judge
magistrate

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. SYDNEY RHEES, Defendant.	ORDER GRANTING MOTION TO CONTINUE THE CHANGE OF PLEA DATE Case No. 2:10-CR-109 TS
---	--

Based on the Motion to Continue the Change of Plea Date filed by Defendant in the above-entitled case, and good cause appearing, it is hereby


ORDERED that the hearing previously scheduled for May 26, 2010, is continued to July 1, 2010, at 2:30 p.m.

Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the Defendant in a speedy trial. More specifically, counsel for Defendant represents that he is awaiting the completion of a report that will not be completed until approximately June 15, 2010.

Due to the need of counsel for additional time to obtain this report, the Court finds that the failure to grant such a continuance in the proceeding would be likely to result in a miscarriage of justice and would deny counsel for Defendant the reasonable time necessary for effective preparation. The time of the delay from Defendant's plea date of May 26, 2010 to July 1, 2010, constitutes excludable time under the Speedy Trial Act.

DATED May 20, 2010.

BY THE COURT:



TED STEWART
United States District Judge

UNITED STATES DISTRICT COURT

Central Division

District of

Utah

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Angel Avila-Castro

Case Number: DUTX2:10CR000184-001

USM Number: 16887-081

Carlos A. Garcia, FPD

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of indictment.

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 USC Sec. 1326	Re-entry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/13/2010

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Name of Judge

U.S. District Judge

Title of Judge

5-21-2010

Date

DEFENDANT: Angel Avila-Castro
CASE NUMBER: DUTX2:10CR000184-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

time served.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Angel Avila-Castro
CASE NUMBER: DUTX2:10CR000184-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Angel Avila-Castro
CASE NUMBER: DUTX2:10CR000184-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not illegally reenter the United States.

CRIMINAL MONETARY PENALTIES

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Angel Avila-Castro
CASE NUMBER: DUTX2:10CR000184-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
Special Assessment Fee of \$100 is due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

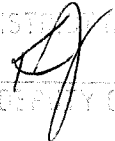
Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

FILED
U.S. DISTRICT COURT

2010 MAY 20 P 1:03

DISTRICT OF UTAH
BY: 
DEPUTY CLERK

NATHAN A. CRANE (Bar No. 10165)
STIRBA & ASSOCIATES
215 South State Street, Suite 750
P.O. Box 810
Salt Lake City, UT 84110-0810
Telephone: (801) 364-8300
Fax: (801) 364-8355
Email: ncrane@stirba.com

Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>v.</p> <p>ERIC JAMES WALTON,</p> <p>Defendant.</p>	<p>ORDER TO CONTINUE TRIAL</p> <p>Case No. 2:10CR00233</p> <p>Judge Dale A. Kimball</p>
--	--

Based on the Motion to Continue Trial filed by the Defendant, Eric James Walton, in the above entitled case, and good cause appearing; the Court makes the following findings:

1. Defense counsel will require additional time to investigate the allegations in this matter and prepare a defense, including time required to meet with computer forensic consultants.
2. Defendant, Eric James Walton, is not in custody and agrees with the need for a

continuance of the trial.

3. Assistant United States Attorney Carol Dain has been contacted by defense counsel and does not object to the continuance.


4. The ends of justice are best served by a continuance of the trial date, and the ends of justice outweigh the interests of the public and the defendant to a speedy trial. Although this matter, taken as a whole, is not unusual or complex, the failure to grant the continuance would deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

IT IS HEREBY ORDERED:

The 3-day jury trial previously scheduled to begin on June 7, 2010, is hereby continued to the 14th day of September, 2010 at 8:30 a.m.. Pursuant to 18 U.S.C. § 3161(h) the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth above is excluded from speedy trial computation for good cause.

SO ORDERED this 20th day of May, 2010.

BY THE COURT


HONORABLE DALE A. KIMBALL
District Court Judge

FILED
U.S. DISTRICT COURT

2010 MAY 21 A 10:19

DISTRICT OF UTAH

BY: DEPUTY CLERK

Matthew L. Lalli (6105)
Nathan E. Wheatley (9454)
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Beneficial Tower
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800
Email: mlalli@swlaw.com
nwheatley@swlaw.com

*Attorneys for Defendants Sanders Engineering, Inc.,
dba Sanders Management Services, and Craig
Jackson*

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

CHUNG & ASSOCIATES, INC., a Utah
corporation,

Plaintiff,

v.

**SANDERS MANAGEMENT SERVICES,
INC.**, a California company, **SANDERS
ENGINEERING, INC.**, a California
company, **APM, L.L.C.**, an Alaska limited
liability company, **ARCTIC PIPE &
MATERIALS, LLC**, an Alaska limited
liability company, **CRAIG JACKSON**, an
individual, **DORALYN GALIAN**, an
individual, **OUTSOURCING HUB,
L.L.C.**, a California limited liability
company,

Defendants.

ORDER FOR EXTENSION OF TIME

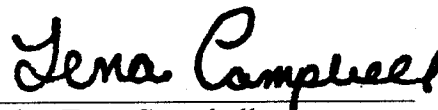
Case No. 2:10-cv-165

Honorable Tena Campbell

Based upon the stipulation of defendants Sanders Engineering, Inc., dba Sanders Management Services, and Craig Jackson (together, the "Sanders Defendants"), and plaintiff Chung & Associates, Inc. ("Chung"), and for good cause appearing, it is hereby **ORDERED** that the Sanders Defendants are granted an extension until June 28, 2010, within which to file a response to Chung's First Amended Complaint.

DATED this 21st day of May, 2010.

BY THE COURT:



Judge Tena Campbell
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

SCOTT ROBERT SHELTON,	)	O R D E R
)	
Petitioner,	)	Case No. 2:10-CV-190 TC
)	
v.	)	District Judge Tena Campbell
WARDEN TURLEY et al.,)	
)	
Respondents.)	

Petitioner, Scott Robert Shelton, filed a *habeas corpus* petition. See 28 U.S.C.S. § 2254 (2010).

IT IS HEREBY ORDERED that, by June 29, 2010, Respondent(s) must answer the petition. "The answer must address the allegations of the petition. In addition, it must state whether any claim in the petition is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations." R. 5, Rs. Governing § 2254 Cases in the U.S. Dist. Courts.


IT IS FURTHER ORDERED that the Clerk of Court must serve upon Respondent copies of this Order and the petition. (See Docket Entry # 3); see also R. 4, Rs. Governing § 2254 Cases in the U.S. Dist. Courts. ("In every case [in which a response is ordered], the clerk must serve a copy of the petition and any order on the respondent and on the attorney general or other appropriate officer of the state involved.").

IT IS ALSO ORDERED that the Respondent's answer must comply with Rule 5 of the Rules Governing § 2254 Cases in the United States District Court.

IT IS FINALLY ORDERED that Petitioner must reply to the Respondent's answer within forty-five days of the date upon which the answer is filed.

DATED this 21st day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Tena Campbell". The signature is written in a cursive, flowing style. The first name "Tena" is written with a large, looped 'T' and the last name "Campbell" follows in a similar cursive script.

CHIEF JUDGE TENA CAMPBELL
United States District Court

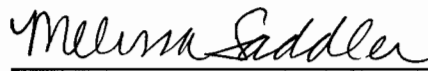
United States District Court
for the
District of Utah
May 21, 2010

*****MAILING CERTIFICATE OF THE CLERK*****

RE: Shelton v. State of Utah
2:10-cv-190 TC

Scott Robert Shelton
20664
E2
Duchesne County Jail
P.O. Box 10
Duchesne, UT 84021

Utah Attorney General
Criminal Appeals
160 East 300 South, Sixth Floor
P.O. Box 140854
Salt Lake City, UT 84114-0854



Melissa Saddler, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

DUANE H. GILLMAN, as Chapter 7 Trustee,

Plaintiff,

v.

JANA LEE RIGBY, an individual

Defendant.

FILED
DISTRICT COURT
200 MAY 18 AM 10:24
DISTRICT OF UTAH
DEPUTY CLERK

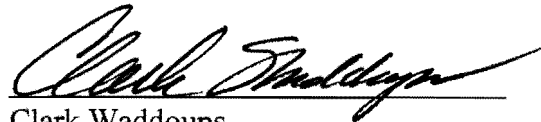
~~PROPOSED~~ ORDER

Case Nos. 2:10-CV-299-CW (member
case; 2:10-CV-298-DB (lead case)

The above captioned case (No. 2:10-CV-299-CW) is hereby consolidated with Duane H. Gillman v. Chad Rigby, No. 2:10-CV-298-DB (D. Utah filed Apr. 7, 2010).

IT IS SO ORDERED.

DATED this 18th day of May, 2010.


Clark Waddoups
United States District Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

DUANE H. GILLMAN, as Chapter 7 Trustee,

Plaintiff,

v.

JANA LEE RIGBY, an individual

Defendant.

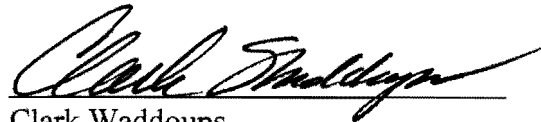
~~PROPOSED~~ ORDER

Case Nos. 2:10-CV-299-CW (member
case; 2:10-CV-298-DB (lead case)

The above captioned case (No. 2:10-CV-299-CW) is hereby consolidated with Duane H. Gillman v. Chad Rigby, No. 2:10-CV-298-DB (D. Utah filed Apr. 7, 2010).

IT IS SO ORDERED.

DATED this 18th day of May, 2010.


Clark Waddoups
United States District Judge

Edwin C. Barnes (Bar No. 0217)
Jonathan S. Clyde (Bar No. 12474)
CLYDE SNOW & SESSIONS
201 South Main Street, 13th Floor
Salt Lake City, Utah 84111
Telephone: (801) 322-2516
Facsimile: (801) 521-6280
Attorneys for Plaintiffs

FILED
U.S. DISTRICT COURT
2010 MAY 21 A 10:21
DISTRICT OF UTAH
BY: DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

GREGORY BERG AND
CYNTHIA BERG,

Plaintiffs,

vs.

WESTGATE RESORTS, LTD., a Florida
limited partnership; DOES 1-20;

Defendants.

**ORDER GRANTING
MOTION FOR ENLARGMENT OF
TIME AND SUPPORTING
STATEMENT**

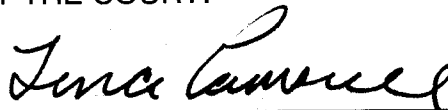
Civil No. 2:10-cv-00339

Judge: Tena Campbell

Based on the motion filed by Plaintiffs Gregory Berg and Cynthia Berg and good cause appearing, IT IS HEREBY ORDERED that the Bergs may have until 30 days after their Motion for Remand has been decided by the Court to respond to the Motion to Dismiss Plaintiffs' Complaint filed by Defendant Westgate Resorts, Ltd.

Dated this 21 day of May 2010.

BY THE COURT:



TENA CAMPBELL
United States District Court Judge

SHAREL S. REBER (7966)
Assistant Attorney General
MARK SHURTLEFF (4666)
Attorney General
Attorneys for Respondents
P. O. Box 140812
160 East 300 South 5th Floor
Salt Lake City, Utah 84114-0812
Telephone: (801) 366-0216

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

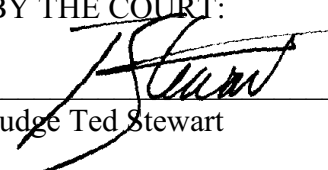
CENTRAL DIVISION

SCOTT A. CLARK,	:	ORDER GRANTING RESPONDENTS'
	:	MOTION FOR ENLARGEMENT OF
Petitioner,	:	TIME TO FILE AN ANSWER TO
	:	PETITION
vs.	:	
STEVEN TURLEY; and UTAH BOARD	:	Case No. 2:10-CV-371-TS
OF PARDONS	:	
	:	Judge Ted Stewart
Respondents.	:	

Based upon the *Respondents' Motion for Enlargement of Time To File An Answer to Petition*, and pursuant to Federal Rule of Civil Procedure 6(b), and good cause appearing, the motion is granted. Respondents have up to and including July 20, 2010, to file their Answer.

DATED this 21st day of May, 2010.

BY THE COURT:



Judge Ted Stewart

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

PAUL RICHARD PAYNE,

Plaintiff,

v.

STEVEN TURLEY et al.,

Defendants.

ORDER

Case No. 2:10-CV-422 DAK

District Judge Dale A. Kimball

Plaintiff, Paul Richard Payne, an inmate at Utah State Prison has filed a *pro se* civil complaint.¹ The filing fee is \$350.² However, Plaintiff asserts he is unable to prepay the filing fee. He thus applies to proceed without prepaying the filing fee and submits a supporting affidavit.³

The Court grants Plaintiff's request to proceed without prepaying the entire filing fee. Even so, Plaintiff must eventually pay the full \$350.00.⁴ Plaintiff must start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his inmate] account . . . or . . . the average monthly balance in [his inmate] account for the 6-month period immediately preceding the filing of the complaint."⁵ Under this formula, Plaintiff must pay \$14.77. If

¹See 42 U.S.C.S. § 1983 (2010).

²See 28 *id.* § 1914(a).

³See *id.* § 1915(a).

⁴See *id.* § 1915(b)(1).

⁵*Id.*

this initial partial fee is not paid within thirty days, or if Plaintiff has not shown he has no way to pay it, the complaint will be dismissed.

Plaintiff must also complete the attached "Consent to Collection of Fees" form and submit the original to the inmate funds accounting office and a copy to the Court within thirty days so the Court may collect the balance of the filing fee. Plaintiff is notified that, based on Plaintiff's consent form submitted to this Court, Plaintiff's correctional institution will make monthly payments from Plaintiff's inmate account of twenty percent of the preceding month's income credited to Plaintiff's account.

IT IS THEREFORE ORDERED that:

(1) Plaintiff may proceed without prepaying his filing fee; however, he must eventually pay the full filing fee of \$350.00.

(2) Plaintiff must pay an initial partial filing fee of \$14.77 within thirty days, or his complaint will be dismissed.

(3) Plaintiff must make monthly payments of twenty percent of the preceding month's income credited to Plaintiff's account.

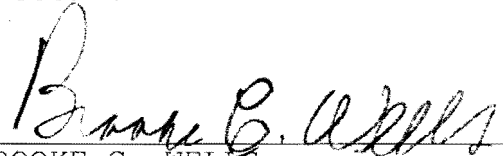
(4) Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office or other appropriate office at Plaintiff's correctional facility.

(5) Plaintiff shall complete the consent to collection of fees and submit it to his correctional institution's inmate funds

accounting office and also submit a copy of the signed consent to this Court within thirty days from the date of this Order or the complaint will be dismissed.

DATED this 12 day of May, 2010.

BY THE COURT:



BROOKE C. WELLS
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Paul Richard Payne (Case # 2:10-CV-422 DAK), understand that even though the Court has granted my application to proceed *in forma pauperis* and filed my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is later dismissed.

I, Paul Richard Payne, hereby consent for the appropriate institutional officials to withhold from my inmate account and pay to the court an initial payment of \$14.77, which is 20% of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint or petition; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint or petition.

I further consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 350 South Main, #150, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Paul Richard Payne

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

FILED
DISTRICT COURT

MAY 21 P 2 22

CHERIE MCMURDIE,

Plaintiff,

v.

G.O.O.D NEIGHBOR LENDING INC, et al.,

Defendants.

**ORDER GRANTING
TEMPORARY
RESTRAINING ORDER**

Case No. 2:10-cv-00427 CW

Judge Clark Waddoups

This matter is before the court on Plaintiff Cherie McMurdie's Motion for Temporary Restraining Order. A hearing on Plaintiff's motion was held before the Honorable Clark Waddoups on May 12, 2010. After due consideration of the parties' filings and oral arguments, and otherwise being fully advised,

IT IS HEREBY ORDERED, for the reasons stated on the record, that the temporary restraining order currently in place shall continue through and including June 18, 2010, provided Plaintiff posts \$1,000, as security, on or before May 21, 2010.

A hearing on whether the injunction should continue is scheduled for **June 18, 2010 at 1:30 p.m.** Defendants shall file opposition memoranda, if any, by May 28, 2010, and Plaintiff shall a reply brief by June 11, 2010 if she intends to file additional briefing.

SO ORDERED this 21st day of May, 2010.

BY THE COURT:



Clark Waddoups
United States District Judge

UNITED STATES DISTRICT COURT

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

for the
District of Utah

MAY 21 2010

D. MARK JONES, CLERK

BY DEPUTY CLERK

United States of America

v.

JAY LEE

Case No. 2:10-CR-121 SA

Charging District's

Case No. 09CR232-1B

Defendant

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of WYOMING, (if applicable) _____ division. The defendant may need an interpreter for this language: _____.

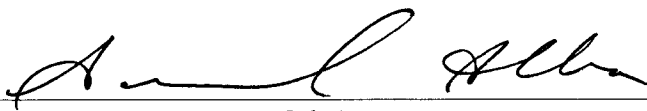
The defendant: ☒ will retain an attorney.
☐ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date:

5/21/10



Judge's signature

UNITED STATES MAGISTRATE JUDGE

Printed name and title

United States District Court
for the District of Utah

**Request and Order for Modifying Conditions of Supervision
With Consent of the Offender**
(Waiver of hearing attached)

FILED
U.S. DISTRICT COURT
2003 MAY 20 PM 4:27
DISTRICT OF UTAH

Name of Offender: **Michael Brad Magleby**

Docket Number: **2:98-CR-00565-001-DB**

Name of Sentencing Judicial Officer: **Honorable Dee V. Benson**
U.S. District Judge

Date of Original Sentence: **December 10, 1999**

Original Offense: **Conspiracy Against Rights**
Civil Rights Act Violation and Aiding and Abetting
Using Fire or an Explosive in the Commission of a Felony

Original Sentence: **144 Months Bureau of Prisons custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release** Supervision Began: **March 24, 2010**

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

The defendant shall participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a co-payment plan, and will comply with the provisions outlined in:

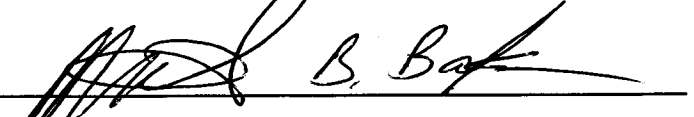
- ☒ 1. Appendix A, Limited Internet Access
(Computer and Internet use, as approved)
- ☐ 2. Appendix B, Restricted Internet Access
(Computer access only, as approved)
- ☐ 3. Appendix C, Restricted Computer Access
(No computer or Internet access except for approved employment)

Furthermore, all computers, Internet-accessible devices, media-storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

CAUSE

The defendant was sentenced by the Court prior to the new inclusive and comprehensive current Internet conditions existing. He has purchased a computer and would like to be able to use it and access appropriate approved Internet sites.

I declare under penalty of perjury that the foregoing is true and correct



Michael B. Baker, U.S. Probation Officer

Date: May 7, 2010

THE COURT ORDERS:

- ☒ The modification of conditions as noted above
☐ No action
☐ Other



Honorable Dee V. Benson
U.S. District Judge

Date: 5-20-2010

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
PROBATION AND PRETRIAL SERVICES OFFICE**

**WAIVER OF RIGHT TO HEARING PRIOR TO
MODIFICATION OF CONDITIONS OF SUPERVISION**

I have been advised by U.S. Probation Officer Michael B. Baker that he/she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No.2:98-CR-00565-001-DB. The modification would be:

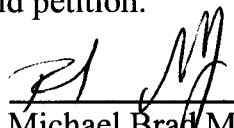
The defendant shall participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a co-payment plan, and will comply with the provisions outlined in:

- ☒ 1. Appendix A, Limited Internet Access
(Computer and Internet use, as approved)
- ☐ 2. Appendix B, Restricted Internet Access
(Computer access only, as approved)
- ☐ 3. Appendix C, Restricted Computer Access
(No computer or Internet access except for approved employment)

Furthermore, all computers, Internet-accessible devices, media-storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition(s) as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition(s) as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.

Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.



Michael Brad Magleby

5/15/2010

Date



Witness:

Michael B. Baker
U.S. Probation Officer